



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:lc
Docket No: 7852-01
26 February 2002

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) CHNAVOPS memo 7220 Ser N130C3/02U0064 of 15 Feb 02
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that the Permanent Change of Station (PCS) orders assigning Petitioner to Temporary Duty under Instruction (TEMDUINST) to Fort Sam Houston, TX were modified to authorize payment of per diem while in TEMDUINST status at Ft. Sam Houston, TX.

2. The Board, consisting of Messrs. Geisler, Lippolis, and Ms. LeBlanc, reviewed Petitioner's allegations of error and injustice on 26 February 2002 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. A request for authority to pay per diem for the period to TEMDUINST at Ft. Sam Houston, TX was requested under the provisions of JFTR Volume 1, paragraph U7125-B3 and SECNAV approved the request prior to the Petitioner reporting to Ft. Sam Houston, TX. The PCS orders assigning Petitioner to TEMDUINST to St. Sam Houston, TX were modified prior to reporting for TEMDUINST to authorize per diem for the period of TEMDUINST at Ft. Sam Houston, TX. Petitioner will be paid per diem for the period of authorized TEMDUINST at Ft. Sam Houston, TX. Government lodging was available; but dining facilities was not available for use to the Petitioner.

(NOTE: Petitioner should go to the closest facility which can compute travel vouchers and ask them to compute monies due for this action. Petitioner must present to the Agency computing the money due a copy of all previous vouchers pertaining to the PCS and TEMDUINST, and a copy of this action. **The Agency making the computation will not make the actual payment.** Petitioner will then forward the computation of monies due, a copy of this letter and all other vouchers and orders pertaining to the PCS and TEMDUINST to DFAS-DE/POCC, 6760 E. Irvington Pace, Denver, CO 80279-7100.)

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

26 February 2002


W. DEAN PFEIFFER
Executive Director